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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/683,947 | 10/10/2003 | Michael Alan Meek | 11633.00078 | 3886 |

56851 7590 07/13/2006

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EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3636

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/683,947 | MEEK ET AL. | |
| | Examiner | Art Unit | |
| | Winnie Yip | 3636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's amendment filed on April 26, 2006 for a Request Continued Examination application (RCE) of earlier application.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102/103

1. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Horton et al. (US Patent (No. 5,596,859).

Horton et al. show and teach a frame system comprising (see Figure shown bellow): a plurality of U-shaped horizontal studs (28) each having a longitudinally extending body (41) and opposing first flanges (a) extending outwardly from the body at approximately an angle of 90 degrees, opposite second flanges (b) extending outwardly from the opposite first flanges at approximatedly an angle of ninety degrees, and opposing foldable end flaps (40) with connecting holes (c) formed thereon; a pair of U-shaped vertical tracks (10) mounted to a plurality of the horizontal studs, each U-shaped track having a longitudinally extending track base body (16) and opposing track flanges (17) extending outwardly from the track base body at an angle approximately 90 degrees, the track body having mounting holes (27) for mounting the studs at the respective mounting locations therebetween, and the opposing end flaps of each stud being mounted to the longitudinally extending bodies of the pair of tracks respectively by fasteners through the holes of the pair track bodies and holes of the end flaps of the stud. Although Horton et al. do not clearly show the stud having a plurality of slots or openings positioned linearly and extending transversely across the base body of the stud as claimed, however Horton

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et al. teach(see Fig. 5) the opposing foldable end flaps (40) including a plurality of slots (D) having ends being positioned linearly along a line that extends transversely across the body of the stud to allow the flap being folded along the line transversely across the body of the stud. Therefore, the ends of the slots (D) on the stud of Horton et al. are alternatively considered to form a plurality of slots or openings on the end flaps being positioned linearly and extending transversely across the body of the stud effectively for folding as claimed.

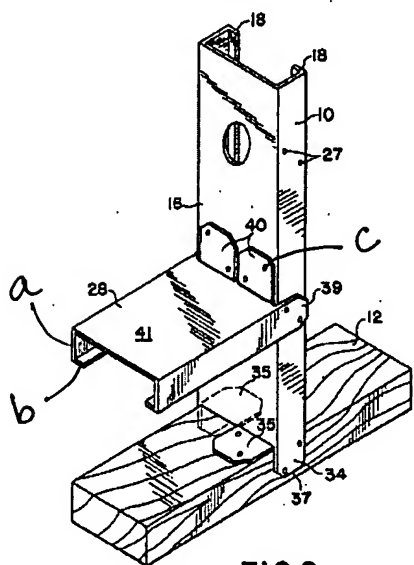


FIG 8

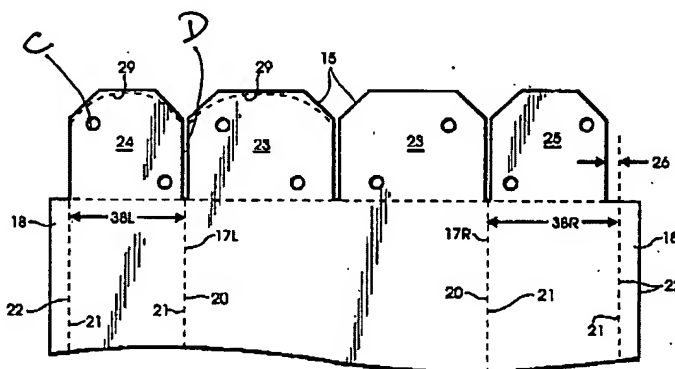


FIG 5

Claim Rejections - 35 USC § 103

2. Claims 1-3, 5-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herren et al. (US Patent (No. 5,189,857) in view of Rice (US Patent No. 6,418,682).

Herren et al. show and teach a frame system comprising: a plurality of U-shaped studs (30) each having a longitudinally extending body and opposing first flanges (40, 42) extending outwardly from the body at approximately an angle of 90 degrees, and opposing foldable end

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flaps (44, 50) with connecting holes formed thereon, a pair of U-shaped tracks (12, 14) mounted to opposing ends of the plurality of studs, each track having a longitudinally extending track body (24) and opposing track flanges (18, 20) extending outwardly from the track body at an angle approximately 90 degrees, the track body having fastening holes at the respective mounting locations of each of the studs, each stud being mounted between the pair of tracks by fasteners (58) passed through the holes of the track bodies and the end flaps of the stud. Herren et al. do not specifically define the studs having opposing second flanges extending outwardly from the opposing first flanges at an approximately 90 degrees as claimed. However, Rice teaches a frame system comprising a plurality of U-shaped studs (12) being mounted between two elongate support members (14), wherein the stud (12) having opposing first flanges (20) extending from a body (22), and second flanges (on number) extending from the first flanges at an angle approximately 90 degrees for increasing the rigidity of the flanges of the stud. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Herren et al. having the studs being formed with additional second opposing flanges formed on the first flanges as taught by Rice as old and well known in the art, for increasing rigidity and tensile strength of the stud to as claimed. Further, Herren et al. do not specifically define each stud having the opposing end flaps forming a plurality of holes or openings positioned linearly and extending transversely across the body of the stud as claimed. However, Rice also teaches the opposing end flaps (24, 26, 28) of the stud having holes or slots cut into the body of the stud along a bend line extending transversely across the body of the stud for helping easier to fold the end flaps of the stud (see col. 3, lines 8-18). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the frame

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system of Herren et al. having the stud formed with a plurality of holes or slots positioned align linearly and extending transversely across a body of a stud as taught by Rice, as a generally practice, to define a bend line for easily folding an end of the an elongate member to form a flap thereon to easily assemble the frame system.

3. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horton et al. '859 or over Herren et al. (US Patent (No. 5,189,857) in view of Rice (US Patent No. 5,189,857) as applied to claims 1-3 or 5-6 above, and further in view of Baltimorean (US Patent No. 5,411,812).

The claims are considered to be met by the combined references as explained and applied set forth above rejections except that either Horton et al. or Herren et al. or Josey or Rice does not define the tracks and studs being made of specific material of a carbon steel being coated with a galvanized zinc layer as claimed. Bilimoria teaches a steel beam/strip could be made of carbon steel being galvanized with a zinc coating as claimed. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the frame system of Horton et al. or Herren et al. combined with Rice having the tracts and the studs being made of specific metal such as a carbon steel with a galvanized zinc coating as taught by Bilimoria for taking advantage of hight tensile strength of the structure for particular advantage since they are rigid and easily formed according to technology which is known per se into complex and intricate shapes and configurations.

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4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horton et al. '859 or over Herren et al. (US Patent (No. 5,189,857) in view of Rice (US Patent No. 5,189,857) as applied to claims 1 and 5 above, and further in view of Josey (US Patent No. 6,023,898).

Although Horton et al. or Josey or Herren et al. or Rice do not specifically define the frame system having the pair of vertical tracks being disposed having the opposing track flanges of the pair of tracks extending toward each other as claimed, Josey teaches a frame system comprising a pair of U-shaped tracks (12, 14) having opposing flanges (18, 20) extending toward each other, and a plurality of U-shaped studs (10) each having opposite end flaps (26, 28) being mounted to a longitudinally extending body of tracks by fasteners (46) for supporting the pair of tracks spaced apart each other. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the framing system of Horton et al. having the pair vertical tracks being disposed to have the opposing end flanges of the tracks extending toward each other, and therefore, the studs each having end flaps being mounted between the pair of tracks as taught by Josey to have the flanges of tracks providing stronger support to the studs therebetween and providing a channel between the tracks to accommodate various application.

Response to Argument

5. Applicant's arguments with respect to claims 1-7 under U.S.C. 102/103, and specifically to the feature for the flaps of the stud having opposing end flaps being folded on a bend line formed by holes or slots positioned linearly and extending transversely across the body of the stud. This feature was not specifically and previously claimed in claims. Therefore, this argument is deemed to be moot in view of the new grounds of rejection. and thus a new ground of rejection is provided.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tollenaar '056, Vesei '870, and Green et al. '801 teach various frame systems comprising studs having opposite ends being mounted in between a pair of tracks as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip
Primary Examiner
Art Unit 3636

wy
July 6, 2006